

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT
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OCT 21 2004

In re the application of:

David Ian ALLEN

Serial No.: 09/748,391

Filed: December 27, 2000

For: METHOD, DEVICE AND SOFTWARE
FOR ENSURING PATH DIVERSITY
ACROSS A COMMUNICATIONS
NETWORK

Group Art Unit: 2157

Examiner: Avi M. GOLD

Attorney Docket: 92644-36

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Customer No. 22463

AMENDMENT TRANSMITTAL LETTER

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	22 -	22 =	0	X \$18	\$0
INDEP. CLAIMS	5 -	5 =	0	X \$88	\$0
Multiple Dependent Claims (check if applicable) 0					\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0

- ☒ No additional fee is required for amendment.
- ☐ Please charge Deposit Account No. _____ in the amount of _____. A duplicate copy of this sheet is enclosed.
- ☒ Conditional Petition for Extension of Time: An extension of time is requested to provide for timely filing if an extension of time is still required after all papers filed with this transmittal have been considered. Please charge the fees required therefor to Deposit Account No. 19-2548.
- ☐ A check in the amount of _____ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 19-2548. A duplicate copy of this sheet is enclosed.
- ☒ Any additional filing fees required under 37 C.F.R. 1.16.
- ☒ Any patent application procession fees under 37 C.F.R. 1.17.

October 21, 2004
DateMatthew Zischka (Reg. 41,575)
SMART & BIGGAR
438 University Avenue, Suite 1500, Box 111
Toronto, Ontario, Canada M5G 2K8
Telephone: (416) 593-6514

MZ/pan

OCT 21 2004

SMART & BIGGAR*Intellectual Property & Technology Law*

To Fax no.: 1-703-872-9306
Page 1 of: 11
Attention: **MAIL STOP AMENDMENT**
Commissioner for Patents
United States Patent & Trademark Office

438 University Avenue
Suite 1500, Box 111
Toronto, Canada M5G 2K8

Tel.: (416) 593-5514
Fax: (416) 591-1690

From: Mathew Zischka

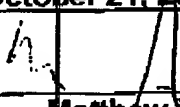
Your file no.: 09/748,391

Date: October 21, 2004

Reply to Toronto file no.: 92644-36

Time:

1. Amendment Transmittal Letter (1 page)
2. Petition for 1 Month Extension of Time under 37 CFR 1.136(a) (1 page)
3. Response to Office Action mailed June 22, 2004 (8 pages)

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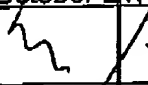
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RESPONSE

Dear Sir:

This is a response to the Office Action mailed June 22, 2004. Please amend the application as follows:

Amendments to the Claims begin on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.